

TOWN OF NEW BOSTON
New Boston Planning Board

Proposed Amendments
to the
Town of New Boston Zoning Ordinance
and
Building Code
for Consideration
at the
Ballot Vote of March 8, 2016

AMENDMENTS TO THE ZONING ORDINANCE

Proposed Amendment #1.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.1 "IND" Industrial

Amend existing Section 204.1 to add Fuelwood Processing Yard to the list of Permitted Uses, as follows:

Uses

Permitted Uses

1. Any light manufacture, compounding, processing, packing, treatment, or warehousing of goods and products, provided the use meets standards of performance of this ordinance
2. Office
3. Newspaper
4. Printing/Copying
5. Accessory building or use
6. Warehouse or trucking terminal
7. Sawmill
8. ***Fuelwood Processing Yard***

Allowed by Special Exception

1. Vehicular Sales Facility
2. Vehicular Repair Facility
3. Essential service
4. Auto service station
5. Contractor's yard
6. Research & Development Facility
7. Removal of earth products

Proposed Amendment #2.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.3 "R-1" Residential One

Amend existing Section 204.3 to add Attached Accessory Dwelling Unit to the list of Permitted Uses, as follows:

Uses

Permitted Uses

1. One family dwelling
2. Two family dwelling
3. Multi-family dwelling*
4. Accessory building or use
5. Agriculture
6. Open Space Development in accordance with the provisions of Article IV.
7. **Attached Accessory Dwelling Unit**

Allowed by Special Exception

1. Outdoor recreational facility
2. Funeral home
3. Hospital
4. Lodging house
5. Home business
6. Essential service
7. Manufactured Housing Park**
8. Office
9. Public Use
10. Private school and/or day care center
11. Home shop
12. Family day-care home

Proposed Amendment #3.

ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.4 "R-A" Residential & Agricultural

Amend existing Section 204.4 to add Attached Accessory Dwelling Unit to the list of Permitted Uses, as follows:

Uses

Permitted Uses

1. Agriculture
2. Forestry
3. One or two family dwelling
4. Seasonal dwelling
5. Accessory building or use
6. Open Space Development in accordance with the provisions of Article IV**
7. Home business
8. Family day-care home
9. Private school and/or day care center
10. Home shop

Allowed by Special Exception

1. Lodging house
2. Recreational Camping Park*
3. Essential service
4. Removal of earth products
5. Hospital
6. Sawmill
7. Kennel
8. Outdoor recreational facility

11. Public use
12. Boarding and/or riding
stable
13. Expanded home business
14. Accessory Dwelling Unit
- 15. Attached Accessory Dwelling Unit**

Proposed Amendment #4

ARTICLE IV SPECIAL PROVISIONS

Section 401 Open Space Development Standards

Amend Section 401.4, General Requirements, sub-section 401.4 G. Requirements Applicable to Internal Design Features: Frontage, to delete the notes regarding frontage and front yards, as follows:

- G. Requirements Applicable to Internal Design Features:*
- Frontage - The road frontage for individual building lots within Open Space Developments shall be as shown in the table below.*
- Yard Requirements - The following standards shall govern building setback and height:*

<u>Street Frontage*</u>	<u>Front Yard**</u>	<u>Side & Rear Yards</u>	<u>Maximum Building Height</u>	
			<u>Feet</u>	<u>Stories</u>
50'	30'	20'	35'	2.5

~~* The minimum frontage requirements may be further reduced by the Planning Board to allow for the use of wedge or irregularly shaped lots.~~

~~** The average depth of all front yards within an Open Space Development shall not be less than 30 feet; however, no front yard of any lot shall be less than 24 feet.~~

Proposed Amendment #5.

ARTICLE V NON-CONFORMING USE(S)/STRUCTURE(S)

Section 503 Alteration, Expansion and Change of Use

Amend Section 503 to include a requirement for a Special Exception to be granted for minor alterations, expansions or changes of a non-conforming use or structure, and to include details regarding expansions of structures with non-conforming setbacks

Non-conforming uses shall not be altered, expanded or changed. However, minor changes that meet the criteria set forth below, may be permitted by special exception. In order to qualify for such a special exception, the applicant must demonstrate that the conditions applicable to special exceptions generally have been

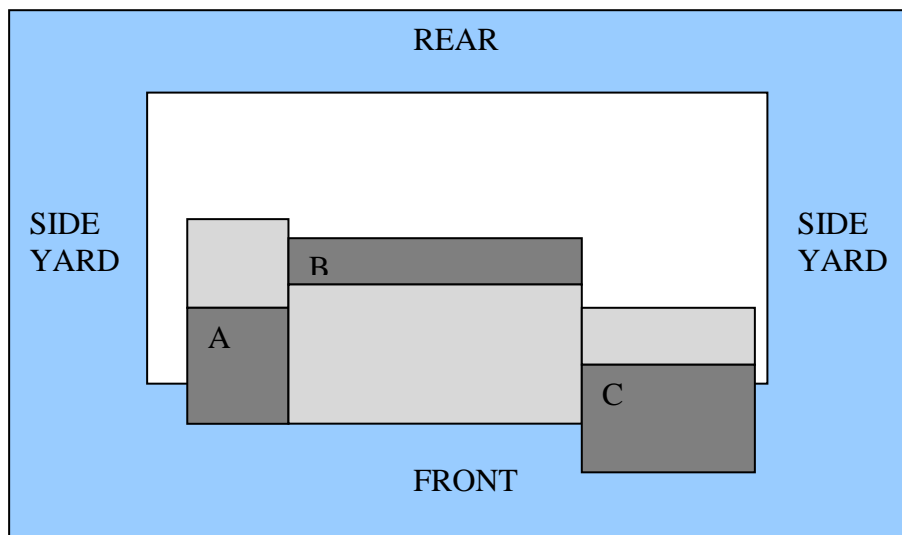
met as well as demonstrating that the following additional conditions are met, namely that the proposed alteration/expansion/change (1) does not substantially change the nature and purpose of the original use; and, (2) the change does not have a substantially different effect on the neighborhood.

Additionally, any and all non-conforming property may be altered and expanded internally as the business and conditions warrant, providing, however that any such expansion does not make any existing conforming building non-conforming within the terms of this Ordinance; nor shall the change or expansion render the premises proportionally less adequate for the use in terms of the requirements of this Ordinance; nor shall the height exceed the limits as defined; ~~nor shall such property be materially altered in purpose of the particular use category; nor shall the change or expansion have a substantially different impact on abutting property or the neighborhood.~~

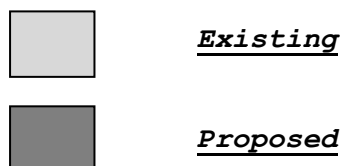
Non-Residential Site Plan Review shall be required in any event for any non-residential use.

Any alteration, expansion or change of any structure with non-conforming setbacks shall only be permitted in accordance with this section and according to the diagram below.

*Expansions of structures with non-conforming setbacks
(Not drawn to scale. Assume the lot is conforming.)*



STREET





Minimum Required

Explanation: Proposal "A" requires a Special Exception;
Proposal "B" requires no action by the ZBA;
Proposal "C" requires a variance.

Proposed Amendment #6.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Add a definition of Dwelling Unit, Accessory, as follows:

Dwelling Unit, Accessory: A single detached secondary dwelling unit, constructed either within an existing accessory building or within an accessory building constructed for that purpose, that is subordinate to the permitted principal dwelling unit in accordance with the provisions of this section.

In the event that an existing dwelling unit on a lot meets the requirements and limitations of an accessory dwelling unit, a second dwelling of any size, meeting all other zoning and building code requirements, may be built on the same lot to be considered thereafter the principal dwelling unit.

Proposed Amendment #7.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Add a definition of Dwelling Unit, Attached Accessory, as follows:

Dwelling Unit, Attached Accessory: A single attached secondary dwelling unit, that is either attached (by way of a common wall or floor), or contained wholly within the principal one-family dwelling and is no larger than 50% of the living space of the principal one-family dwelling. Attached Accessory Dwelling Units shall not be permitted on any lot with an existing two-family dwelling or Accessory Dwelling Unit.

Proposed Amendment #8

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

Add a definition of Separate Unit, as follows:

Separate Unit: A unit within a principal building containing a mix of commercial uses within that building on a commercial lot constituting a separate commercial unit for owner occupancy, rental or lease, and physically separated from other commercial units within the same building and containing independent sanitary facilities. Shared sanitary facilities may be provided in a common area of the principal building on a commercial lot with the approval of the Building Inspector and in accordance with all applicable local, state and federal regulations.

AMENDMENTS TO THE BUILDING CODE

Proposed Amendment #1.

CHAPTER NB-1.0 General

Section NB-1.5 Adoption

Amend existing Section NB-1.5.2, to delete reference to the edition of NFPA 13D, as follows:

NB-1.5.2: The Town, by this Ordinance, adopts ~~the 1999 edition of~~ NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, as published by the National Fire Protection Association, and as amended, as the standard that shall apply to all new one- and two-family dwellings and manufactured homes, if the builder or owner wishes to install a sprinkler system (s) in lieu of a required firefighting water supply.
(Added March 12, 2002 and amended March 9, 2004.)

Proposed Amendment #2.

CHAPTER NB-1.0 General

Section NB-1.5 Adoption

Amend existing Section NB-1.5.3, to delete reference to the edition of NFPA 13R, as follows:

NB-1.5.3: The Town, by this Ordinance, adopts ~~the 2002 edition of~~ NFPA 13R, Standard for the Installation of Sprinkler Systems in Multi-Family Dwellings, as published by the National Fire Protection Association, and as amended, as the standard that shall apply to all new Multi-Family dwellings. (Section added 3/8/05.)

Proposed Amendment #3.

CHAPTER NB-4.0 Smoke Alarms

Amend existing Chapter NB-4.0, to delete the words "Smoke Detectors Required" from the heading of the first paragraph and to add requirements for carbon monoxide detectors in the first paragraph, as follows:

~~Smoke Detectors Required:~~ Smoke detectors shall be installed in each bedroom and on each additional story of the dwelling, including basements, cellars and unfinished spaces, but not including crawl spaces and uninhabitable attics. **Carbon monoxide detector or combination (smoke and carbon monoxide) is required on each level of the dwelling in hallways or similar areas where appropriate.** Attached garages shall include a heat detector in each stall interconnected with required smoke detectors. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels, then a detector is required on each level. All detectors shall be interconnected to provide, when actuated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions. (Amended March 11, 2008.)

Proposed Amendment #4.

CHAPTER NB-5.0 Sprinkler Systems for new One- and Two-Family Dwellings and Manufactured Homes.

Section NB-5.3 Process

Amend existing Section NB-5.3.1, to delete reference to the edition of NFPA 13D, as follows:

NB-5.3.1 All residential sprinkler system designs shall be in accordance with the requirements of ~~the 1999 Edition of~~ NFPA 13D, as modified by this ordinance.

Proposed Amendment #5.

CHAPTER NB-5.0 Sprinkler Systems for new One- and Two-Family Dwellings and Manufactured Homes.

Section NB-5.4 Design

Amend existing Section NB-5.4, to delete reference to the edition of NFPA 13D, as follows:

All sprinkler systems shall be designed in accordance with ~~the 1999 edition of~~ NFPA 13D except as follows: